UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOHN EDWARDS JIMENEZ,

Plaintiff,

v.

M SMELOSKY, Warden,

Defendant.

Civil No. 08-cv-866-W (POR)

ORDER GRANTING RESPONDENT'S APPLICATION FOR ENLARGEMENT OF TIME

[Doc. No. 7]

On July 2, 2008, Petitioner, a state prisoner proceeding *pro se*, filed a First Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On July 16, 2008 this court ordered that Respondent shall file a motion to dismiss on or before August 28, 2008 or an Opposition on or before September 12, 2008. On September 5, 2008, Respondent filed a request for a 30-day enlargement of time to file an answer to the petition. Respondent attached the supporting declaration of Deputy Attorney General Angela Borzachillo.

In the supporting declaration, Respondent's counsel represents that she has determined that the filing of an answer is appropriate in this case, and that a copy of the record from Petitioner's underlying case has been ordered. Counsel further represents that a heavy workload unrelated to this case has prevented her from beginning work on the answer.

While the Court can appreciate the fact that the Attorney General's office has a significant case load, the Court cannot find good cause for extending the time to file an answer premised on the fact that Respondent's counsel is working on every other pending case but this one.

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However, in the interests of resolving the issues raised in the Petition, the Court nevertheless finds good cause to grant Respondent's request. Accordingly, **IT IS HEREBY ORDERED**:

1. Respondent shall file and serve an answer to the Petition no later than **October 14, 2008**. At the time the answer is filed, Respondent shall lodge with the Court all records bearing on the merits of Petitioner's claims. The lodgments shall be accompanied by a notice of lodgment which shall be captioned "**Notice of Lodgment in 28 U.S.C. § 2254 Habeas Corpus Case — To Be Sent to Clerk's Office**."

2. Petitioner may file a traverse to matters raised in the answer no later than **November 3, 2008**. The traverse by Petitioner (a) shall state whether Petitioner admits or denies each allegation of fact contained in the answer; (b) shall be limited to facts or arguments responsive to matters raised in the answer; and (c) shall not raise new grounds for relief that were not asserted in the Petition. Grounds for relief withheld until the traverse will not be considered. No traverse shall exceed 10 pages in length absent advance leave of Court for good cause shown.

3. Unless otherwise ordered by the Court, this case shall be deemed submitted on the day following the date Petitioner's traverse is due.

IT IS SO ORDERED.

DATED: September 9, 2008

LOUISA S PORTER
United States Magistrate Judge

cc: All parties